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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,820	04/30/2001	Takahiko Sato	108397-00042	9942

7590

10/03/2003

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EXAMINER
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LUU, AN T

ART UNIT	PAPER NUMBER
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2816

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/843,820

Applicant(s)

SATO, TAKAHIKO

Examiner

An T. Luu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-13 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

Applicant's Amendment filed on 9-17-03 has been received and entered in the case. The rejections set forth in the previous Office Action are maintained as indicated below.

#### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Newly amended limitation "for adjusting the predetermined period in accordance with an internal signal generated by said timing change circuit *at the time of the initial supply*" (emphasis added) on the last three lines of claim 1 is misdescriptive since the predetermined period (PP) is not determined by **when** the initial supply is provided (i.e., PP1 at T1 or PP2 at T2). Rather, it is determined by user (i.e., setting up a fuse circuit). The predetermined period is always the same regardless the time the initial supply is provided. The predetermined period is, in fact, changed according to a test activating signal and test signals as disclosed on page 6 lines 16+.

Claim 2 is rejected for being dependent on the rejected claim.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is, as understood, rejected under 35 U.S.C. 102(b) as being anticipated by the Sawada reference (U.S. Patent 5,365,481).

Sawada discloses in figures 1-2 an apparatus comprising power-on reset circuit 19 for activating a reset signal POR in response to an initial supply of a power supply Vcc to initialize an internal circuit 10, and for inactivating the reset signal after a predetermined period following the initial supply to terminate an initialization of the internal circuit (col. 8, lines 17-36); and a timing changing circuit 18d (figure 2) for adjusting the predetermined period (col. 10, lines 5-9) in accordance with an internal signal (input of 18d) generated in an interior of the timing changing circuit as required by claim 1.

### ***Response to Arguments***

5. Applicant's arguments filed 5-14-03 have been fully considered but they are not persuasive.

Applicant's argument appears being based on the newly amended portion of claim 1. Applicant has argued that "the timing changing circuit of the present invention adjusts a predetermined period in accordance with an internal signal generated by the timing changing circuit, after which, the reset signal is inactivated", second paragraph on page 7, and "the present invention enables adjustment of the time that the reset signal is inactivated without directly measuring the timing of the reset signal by utilizing the voltage generator transistor", third paragraph of page 7. Examiner totally agrees upon the above reasoning. However, the above

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reasons have nothing to do with the present recitation of claim 1. Claim 1 has been amended to recite “an internal signal generated by said timing change circuit *at the time of the initial supply*”.

Further, Applicant has argued “the internal signal can be the adjusting RS0 or RS1 and the path of the internal signal does not include the transmission path of the signal TESTX” and concluded that the internal signal is generated without receiving any external signals at the time of the initial supply. Examiner respectfully disagrees with the above assertion since the adjusting signal RS0 and RS1 are preset by an external signal TESTX. Therefore, once the adjusting signal RS0 and RS1 is set (via TESTX signal). They will behave in the same manner **regardless when the initial supply is provided**. It is true that the adjusting signal is for adjusting inactivation timing. However, the adjusting signal is not changed due **the time of initial supply** as required by claim.

*Allowable Subject Matter*

6. Claims 3-13 are allowed.

7. Claim 2 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to disclose an apparatus comprising elements being configured as recited in claims. Specifically, none of the prior art teaches the internal signal to be set at a

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predetermined logic level as required by claim 2; a voltage generator as recited on lines 2-5 of claim 3; a voltage generator and a signal selection circuit limitations as required by claim 7.

### *Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to An T. Luu whose telephone number is 703-308-4922. The examiner can normally be reached on 7:30-5:00.

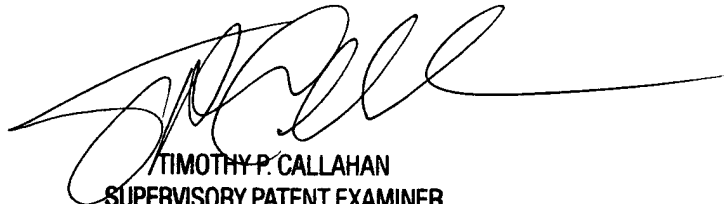
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy P. Callahan can be reached on 703-308-4876. The fax phone numbers for

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the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

An T. Luu *AK*  
9-30-2003



TIMOTHY P. CALLAHAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800